

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

ED'S BEANS, INC., D/B/A
CRAZY MOCHA COFFEE AND
KIVA HAN COFFEE

Debtor.

ED'S BEANS, INC., D/B/A
KIVA HAN, KIVA HAN COFFEE,
KH AND KHC,

Movant,

v.

FIRST COMMONWEALTH BANK,
AMERICAN EXPRESS BANK,
CHTD COMPANY, SWIFT FINANCIAL,
LLC AND U.S. SMALL BUSINESS
ADMINISTRATION

Respondents.

Bankruptcy Case No. 20-22974

Chapter 11

Docket No. 699, 700

Hearing Date: May 4, 2022 at 10:00 a.m.

Response Date: May 4, 2022 at 8:00 a.m.

ORDER OF COURT

Upon consideration of the Expedited Motion ~~to Expedited Motion~~ for Order Approving Post-Petition Financing 11 U.S.C. §364 and/or Modification of Confirmed Plan Pursuant to 11 U.S.C. § 1193(c) (the "**Motion**") and upon finding that service of the Motion was proper, it is hereby

ORDERED, ADJUDGED, and DECREED that the relief requested in the Motion is proper and is granted. It is further

ORDERED, ADJUDGED, and DECREED that the Debtor is authorized to enter into a post-petition EDIL loan (the “**Combined EIDL Loan**”) with the Small Business Administration (“SBA”) for a total amount of up to approximately \$500~~3~~,000 (which includes additional \$350,000 in loan proceeds from the SBA to the Debtor and the reaffirmation as secured of approximately \$150,000) at 3.75% interest over a term of 30 years with payments beginning in or around ~~November~~May 202~~2~~4. It is further ;

ORDERED, ADJUDGED, and DECREED that if and only if the SBA funds the \$350,000 of the Combined EIDL Loan (i.e., the additional loan of \$350,000), the Amended Plan relating to the treatment of the SBA’s claim shall be amended as follows:

Class #	Description	Disputed (Y/N)	Impaired / Unimpaired	Treatment	Entitled to Vote
6	<p>Creditor Name: Small Business Administration (EIDL Loan)</p> <p>Allowed Secured Amt.: \$5003,000 (approximately) (the “<u>New-Combined EIDL Loan</u>”)</p> <p>Collateral description: Substantially all assets of the Debtor</p> <p>Priority of lien: Second</p> <p>Value of Interest in Collateral: \$0.00</p>	N	Unimpaired	<p>The New-Combined EIDL Loan will be paid over a term of 30 years at 3.75% interest, with equal monthly installments beginning in <u>or around</u> November<u>May</u> 2022<u>4</u>.</p> <p>To secure repayment of the New EIDL Loan, the Small Business Administration will receive a second priority lien on substantially all assets of the Debtor, <u>junior to the first priority lien and security interest of First Commonwealth Bank.</u></p>	Yes

It is further

ORDERED, ADJUDGED and DECREED that if the SBA does not fund the additional \$350,000 of the Combined EIDL Loan, the Amended Plan shall not be amended as set forth above and the treatment of the SBA claim shall remain as currently set forth in the Amended Plan. It is further:

ORDERED, ADJUDGED, and DECREED that if and only if the SBA funds the additional \$350,000 of Combined EDIL Loan, then upon funding of the \$350,000 Combined EDIL Loan, the Debtor shall make a one-time principal payment in the amount of \$50,000 to First Commonwealth Bank to be applied toward the repayment ~~on account~~ of the remaining secured claim of First Commonwealth Bank as set forth in the Amended Plan.

BY THE COURT:

The Honorable Carlota Bohm
Chief United States Bankruptcy Judge

~~BY THE COURT~~

Dated: _____

~~United States Bankruptcy Judge~~